

**SIMON ■ LESSER PC**

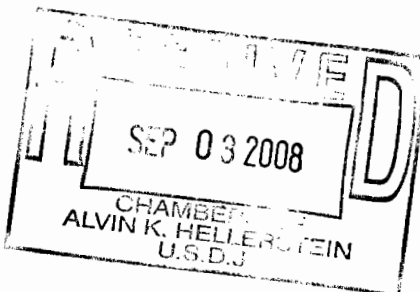
Leonard F. Lesser  
212.599.0360  
llesser@simonlesser.com

Simon Lesser PC  
Counsellors at Law  
420 Lexington Avenue  
New York, New York 10170  
T: 212.599.5455  
F: 212.599.5459  
www.simonlesser.com

September 3, 2008

**By Fax (212.805.7942)**

Hon. Alvin K. Hellerstein  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007



*The IPTC is  
adjourned to Oct. 3,  
2008, 9<sup>30</sup> a.m.  
9-3-08  
[Signature]*

**Re: *Zapolski/Rudd LLC v. The Setai Group LLC, et al.*, 08 Civ. 5445 (AKH)**

Dear Judge Hellerstein:

I represent plaintiff Zapolski/Rudd LLC in this action against the Setai Group LLC ("Setai"), and its members John P. Conroy ("Conroy") and Jonathan J. Breene ("Breene").

I write pursuant to Rule 1(D) of Your Honor's Individual Rules to request that the Initial Conference, currently scheduled for September 19, 2008 at 9:30 be moved to a date earlier that week.

The reason for this request is that I am required to attend a hearing in another matter, *Asset Management Associates of New York Inc. v. Emerson Telecommunication Products LLC*, 08 Civ. 2128 (TCP)(MLO)(E.D.N.Y.), before Judge Thomas C. Platt in the Eastern District in Islip on September 19, 2008 at 10:30 a.m. I am lead counsel for defendant Emerson Telecommunication Products LLC in that matter.

Defendants have not yet filed any appearance or Answer in this action. Nonetheless, I have copied defendants' in-house counsel on this correspondence.

No prior request to change the Initial Conference date has been made.

Respectfully submitted,

*[Signature]*  
Leonard F. Lesser  
LL, yg

cc: Alex Palazzolo, Esq. (by e-mail)

